

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 2, 1993

ALL-COUNTY LETTER NO. 93-16

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC AND PRIVATE ADOPTION  
AGENCIES  
ALL SDSS ADOPTIONS DISTRICT OFFICES

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☒ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by SDSS

SUBJECT: COURT ORDER PROHIBITING IMPLEMENTATION OR ENFORCEMENT OF POLICY IN ALL-COUNTY LETTER NO. 92-94 (dated October 22, 1992) "ADOPTIONS INVOLVING UNDOCUMENTED/ILLEGAL ALIENS"

The purpose of this letter is to provide notice that the San Francisco County Superior Court in Rodriguez-Mendez v. Anderson, Case No. 948348, has ordered the Department and its agents and employees to cease implementing or enforcing the policy in All-County Letter (ACL) No. 92-94 (dated October 22, 1992) "Adoptions Involving Undocumented/Illegal Aliens" as well as ACL No. 92-30 (dated March 10, 1992) "Adoptions Involving Undocumented Aliens."

The court order specifically requires that, effective immediately, all licensed public and private adoption agencies and Adoptions Branch district offices are to:

1. Discontinue the policy of suspending investigations or recommending dismissal of petitions in adoption cases involving non-citizens suspected of being in the United States without lawful immigration status.

Adoption cases involving undocumented or illegal aliens should now be processed like all other cases, i.e., accompanied by a full home study or court report. Reference to a party's or child's undocumented or illegal status may be included in the home study or court report as part of a best interest determination and treated accordingly. In other words, questionable immigration status may be the basis for rejecting the application or recommending denial of the petition only when a clear best interest consideration so requires.

2. Conduct a file search to identify all cases to which the policy has been applied.
  - a. As to pending cases, complete the required investigation and file with the court a full report and recommendation based on a best interest determination.
  - b. As to independent adoption cases in which the petition was dismissed or voluntarily withdrawn, notify the former petitioners that the policy is no longer in effect and that they may therefore refile their petitions.
  - c. As to agency adoption cases in which the investigation was suspended and the case closed, notify the former applicants that the policy is no longer in effect and that the investigation will be reopened if the applicants so request.

All county welfare departments should distribute copies of this ACL to each unit providing permanency planning services to dependent children of the court.

Please take all necessary action now to ensure that your adoption agency or district office is complying with the court order. If you have any questions regarding this matter, please contact Sandy Richmond, Adoptions Policy Consultant, in the Adoptions Policy Bureau at (916) 322-4228 (ATSS 492-4228).



JAMES W. BROWN  
Acting Deputy Director  
Children and Family Services

cc: CWDA